

## PATENT COOPERATION TREATY

PCT

**NOTIFICATION OF ELECTION**  
 (PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
 US Department of Commerce  
 United States Patent and Trademark  
 Office, PCT  
 2011 South Clark Place Room  
 CP2/5C24  
 Arlington, VA 22202  
 ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 07 March 2001 (07.03.01)	
International application No. PCT/US00/08625	Applicant's or agent's file reference 1074-028
International filing date (day/month/year) 31 March 2000 (31.03.00)	Priority date (day/month/year) 31 March 1999 (31.03.99)
Applicant KADLEC, Paul	

1. The designated Office is hereby notified of its election made:

in the demand filed with the International Preliminary Examining Authority on:

31 October 2000 (31.10.00)

in a notice effecting later election filed with the International Bureau on:

\_\_\_\_\_

2. The election  was

was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  C. Cupello
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

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## PATENT COOPERATION TREATY

**PCT**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 18 DEC 2001

WIPO

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Applicant's or agent's file reference 1074-028	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/08625	International filing date (day/month/year) 31 MARCH 2000	Priority date (day/month/year) 31 MARCH 1999
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant HINDS INSTRUMENTS, INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets.

This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

- I  Basis of the report
- II  Priority
- III  Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV  Lack of unity of invention
- V  Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI  Certain documents cited
- VII  Certain defects in the international application
- VIII  Certain observations on the international application

Date of submission of the demand 31 OCTOBER 2000	Date of completion of this report 07 NOVEMBER 2001
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer <i>Deborah Perry-Leeper</i> MICHAEL P. STAFIRA Telephone No. (703) 308-4837
Facsimile No. (703) 305-3230	<i>Deborah Perry-Leepер</i> Paralegal Specialist Technology Center 2800

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/08625

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

 the international application as originally filed the description:

pages 1-9

pages NONE

pages NONE

, filed with the demand

 the claims:

pages 10-12

pages NONE

pages NONE

pages NONE

, filed with the demand

 the drawings:

pages 1

pages NONE

pages NONE

, filed with the demand

 the sequence listing part of the description:

pages NONE

pages NONE

pages NONE

, filed with the demand

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- the language of publication of the international application (under Rule 48.3(b)).
- the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in printed form.
- filed together with the international application in computer readable form.
- furnished subsequently to this Authority in written form.
- furnished subsequently to this Authority in computer readable form.
- The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4.  The amendments have resulted in the cancellation of:

- the description, pages NONE
- the claims, Nos. NONE
- the drawings, sheets fig NONE

5.  This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/08625

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Inventive Step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-20</u>	NO
Industrial Applicability (IA)	Claims <u>1-20</u>	YES
	Claims <u>NONE</u>	NO

**2. citations and explanations (Rule 70.7)**

Claims 1-4,7-8, 10-16,19-20 lack novelty under PCT Article 33(2) as being anticipated by Oakberg.

Claims 5-6,9,17-18 lack an inventive step under PCT Article 33(3) as being obvious over Oakberg in view of Bareket. The claimed limitations of 5-6,9,17-18 are taught in the reference of Bareket and would be obvious to one skilled in the art to combine the reference to Oakberg for the purpose of providing increased control of the signals provided by the primary light.

----- NEW CITATIONS -----  
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US00/08625

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

**CLASSIFICATION:**

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): G01J 4/00 and US Cl.: 356/364, 365, 366, 367, 368; 250/225; 359/312, 313, 314, 321, 322, 385, 308

# INTERNATIONAL SEARCH REPORT

International application No.

PCT/US00/08625

## A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : GOIJ 4/00

US CL : 356/364, 365, 366, 367, 368; 250/225; 359/312, 313, 314, 321, 322, 385, 308

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 356/364, 365, 366, 367, 368; 250/225

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched  
NONE

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)  
NONE

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
	Please See Continuation of Second Sheet.	

Further documents are listed in the continuation of Box C.  See parent family annex.

* Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier document published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search  01 JUNE 2000	Date of mailing of the international search report  21 JUN 2000
Name and mailing address of the ISA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer  SANG NGUYEN Telephone No. (703) 308-6426

## INTERNATIONAL SEARCH REPORT

International application No. PCT/US00/08625
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C (Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT		
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5,652,673 A (OAKBERG) 29 July 1997 (29/07/97), figures 1 and 3, col.1-3.	1-4, 7-8, 10-16, 19-20
Y	US 4,480,916 A (BAREKET et al.) 06 November 1984 (06/11/84), figures 1-2, col.2 lines 35-68.	5-6, 9, 17-18
X, P	US 5,956,147 A (JELLISON, JR. et al.) 21 September 1999, figures 1-3, col.3 lines 25- 67 and col.4 lines 1-22.	1-20
Y	US 4,362,387 A (CLARK) 07 December 1982 (07/12/82), figures 7 and 8a-8c.	1-20
A	US 5,536,936 A (DREVILLON et al.) 16 July 1996 (16/07/96), figures 1 and 3.	1-20
A	US 5,311,284 A (NISHINO) 10 May 1994 (10/05/94), figures 1-3.	1-20